UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/511,025	02/23/2000	Weihai Chen	202730	3646

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Leydig Voit & Mayer LTD
Two Prudential Plaza Suite 4900
180 North Stetson
Chicago, IL 60601

EXAMINER
HUA, LY

ART UNIT	PAPER NUMBER
2131	

DATE MAILED: 12/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/511,025	CHEN, WEIHAI
	Examiner	Art Unit
	Ly V. Hua	2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *February 23, 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)
since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.
37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific
reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)   4)☐ Interview Summary (PTO-413) Paper No(s). _____.
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5)☐ Notice of Informal Patent Application (PTO-152)
3)☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u>.   6)☐ Other: .

DETAILED ACTION

1.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and
> distinctly claiming the subject matter which the applicant regards as his invention.

2.   Claims 5, 9-11, 12-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

   a.   With regard to claim 5:
        i.   The phrase "a method under the hypertext transport protocol" is vague and indefinite and thus cannot be understood.
        ii.

   b.   With regard to claims 9-11:
        i.   The clause "authentication request data ... prompt a server not recognizing the authentication request data to respond ..." is confusing. If the server would not recognize the request, then it cannot possibly be recognized the prompt prompted by the request.

   c.   With regard to claim 11:
        i.   The phrase "... data represent a method" does not make sense since data cannot be a method. Notice that a method is a course of performing steps to complete a process and that data cannot be a course of performing steps.
        ii.   The phrase "a method under the hypertext transport protocol" is vague and indefinite and thus cannot be understood.

   d.   With regard to claims 12-14:
        i.   The phrase "said data" (last occurrence) lacks antecedent basis.
        ii.   The clause "authentication request data ... prompt a server not recognizing said data to respond ..." is confusing. If the server would not recognize the request, then it cannot possibly be recognized the prompt prompted by the request.

   e.   With regard to claim 14:
        i.   The phrase "... data represent an operation" does not make sense since data cannot be an operation. Notice that an operation is a performance in a process and that data cannot be a performance.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4.   Claims 9-14 are rejected under 35 U.S.C. 101 because the disclosed invention is inoperative and therefore

lacks utility. Since the claimed invention in these claims requires that the server not recognizing a request, which

request prompts the server to send a response, the claimed invention has no utility because the server cannot

recognize the request and thus cannot carry out the request requested and the request cannot be responded as

requested.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the

rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United
> States before the invention thereof by the applicant for patent, or on an international application by another who
> has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention
> thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the

Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a

U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the

AIPA (pre-AIPA 35 U.S.C. 102(e)).

6.   Claim 15 is rejected under 35 U.S.C. 102(e) as being anticipated by Wood et al (6,609,198).

        a. As to claim 15:
                i.   Claim 15 claims a method
                        (1) of communication
                                (a) for a client
                                (b) to force
                                        (i)   a server
                                                1) supporting both
                                                        a) authenticated and non-authenticated connections
                                                2) to establish an authenticated connection,
                        (2) comprising the steps of:
                                (a) sending,

                               (i)   by the client,
                               (ii)   a request packet
                                          1) to the server,
                                          2) the request packet
                                                      a) including authentication request data
                                                      b) indicating a request for forming an authenticated
                                                      connection with the server,
                    (b) checking,
                               (i)   by the server
                                          1) in response to receipt of the request packet,
                               (ii)   whether an authenticated connection with the client exists;
                    (c) if an authenticated connection with the client does not exist,
                               (i)   returning
                                          1) by the server
                                          2) to the client
                                          3) a response packet
                                                      a) including a response message
                                                      b) indicating recognition of the authentication
                                                      request data;
                    (d) in response to the response message in the response packet,
                               (i)   sending
                                          1) by the client
                                          2) credential data
                                          3) to the server for authentication.

         ii.   Wood ('198) teaches:
                    (1) a method [Fig. 2] comprising:
                               (a) sending, by a client, a request to a server, which request includes data
                               indicative of the client's request for the client's authenticated connection with
                               the server -- [step 201];
                               (b) the server's checking, to determine whether an authenticated connection
                               exists -- [see the combination of the step which is labeled with "session key?"
                               and step 203];
                               (c) the server's returning, if an authenticated connection with the client does
                               not exist, to the client a response indicating recognition of the authentication
                               request data -- [col. 15, line 1 to col. 16, line 56]; and
                               (d) the client's sending credential data for authentication to the server, which
                               sending is responsive to the response message in the response packet -- [col 16,
                               lines 40-56].

                              Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set

forth in this Office action:

         (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
         section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
         such that the subject matter as a whole would have been obvious at the time the invention was made to a person
         having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
         manner in which the invention was made.

8. Claims 1, 2, 4-8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bodnar (6,061,790)

in view of Wood et al ('198).

    a. As to claim 15:

        i. Bodnar ('790) teaches a method comprising:
(1) a client's sending a packet to a server, which packet includes authentication request data and indicates a request for forming an authenticated connection with the server-- [col. 7, lines 35-54];
(2) the server's returning to the client, if an authenticated connection with the client does not exist, a response packet, which response packet includes a response message and indicates recognition of the authentication request data – [col. 7, line 55 to col. 8, line 17];
(3) the client's sending to server credential data for authentication, which sending is responsive to the response message in the response packet – [col. 8, lines 18-67].

        ii. However, Bodnar does not teach:
(1) checking by the server, in response to receipt of the request packet from the client, to determine whether an authenticated connection with the client exists.

        iii. Wood ('198) teaches:
(1) a method [Fig. 2] comprising:

            (a) sending, by a client, a request to a server, which request includes data indicative of the client's request for the client's authenticated connection with the server -- [step 201];
            (b) the server's checking, to determine whether an authenticated connection exists -- [see the combination of the step which is labeled with "session key?" and step 203];
            (c) the server's returning, if an authenticated connection with the client does not exist, to the client a response indicating recognition of the authentication request data – [col. 15, line 1 to col. 16, line 56]; and
            (d) the client's sending to server credential data for authentication, which sending is responsive to the response message in the response packet – [col 16, lines 40-56].

        iv. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:
(1) add to Bodnar's method a feature (of enabling either one level of secured connection or another level of secured connection between a client and a server) such as that of Wood.

        v. The skilled person would have been motivate at do such adding because:
(1) Wood teaches that with such feature a currently authenticated client of a current session in one level of authenticated connection can be authenticated into another level of authenticated connection – [see Wood's Abstract] without loss of continuity.

    b. As to claim 1:
        i. This claim has limitations that are similar to those of claim 15 and thus are rejected with the same rationale applied against claim thereto.

    c. As to claim 2:
        i. Wood teaches that if client has an existing authenticated connection with the server, then the client would transmitting subsequent communication to the server over the existing authenticated connection.
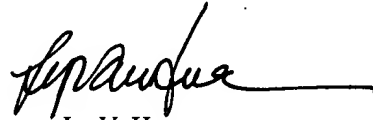
    d. As to claim 4:

   i. It is a common practice in the art of transmitting communication packet to put certain data in a header portion. See to it that Fuh ('474) teaches [at the 28th and 30th paragraphs of his Detailed Description] authentication data is sent in a header field of a packet that request for authentication.

   ii. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to include authentication data in a header portion of a request packet such as that of Bodnar because:

     (1) Fuh teaches such way of including an piece of authentication data in a request packet.

 e. As to claim 5:

   i. Sending a request packet in HTTP format is notoriously old and well known in the art.

   ii. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to format a request in HTTP format because HTTP format is commonly used for forming a request for communication.

 f. As to claims 6-8:

   i. Internet Printing Protocol (IP protocol) and Hypertext Transport Protocol (HTTP protocol) are notoriously old and well known in the art.

   ii. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to form packet in either IP or HTTP protocol for communication.

9. Claims 3 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bodnar (6,061,790) and

Wood et al ('198) as applied to claims 1 and 15 above, and further in view of Swift et al (6,377,691).

 a. As to claim 16:

   i. Wood does not explicitly teach:

     (1) that the response packet includes an identification of an authentication protocol supported by a server, and

     (2) that the sending of the data for authentication to the server is done according to an authentication protocol that is identified as being supported by the server.

   ii. Swift ('691) teaches [in the second paragraph under his Detailed Description of the Invention]

     (1) sending a packet from a server to a client a unique identifier associated with an authentication protocol supported by the server,

     (2) sending a packet from the client to the server responsive to the authentication protocol.

 b. As to claim 3:

   i. This claim has limitations that are similar to those of claim 16 and thus are rejected with the same rationale applied against claim thereto.

  Any inquiry concerning this communication or earlier communications from the examiner should be

directed to Ly V. Hua whose telephone number is (703) 305-9684. The examiner can normally be reached on 1.

       If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sheilk Ayaz

can be reached on (703) 305-9848. The fax phone number for the organization where this application or proceeding

is assigned is (703) 872-9306.

       Any inquiry of a general nature or relating to the status of this application or proceeding should be directed

to the receptionist whose telephone number is (703) 305-9600.

Ly V. Hua
Primary Examiner
Art Unit 2131

lvh
November 25, 2003